

TO: Zoning Board of Adjustment
FROM: Community Development Department
DATE: June 15, 2016

RE: **CASE #CU-16-008**
REQUEST: Conditional use permit to allow a storage yard in an I-2/General Industrial District.

APPLICABLE

CODE SECTION: §15.21.030 Conditional Uses. The following conditional uses shall be permitted in an I-2 District, in accordance with the requirements set forth in Chapter 15.27:
08. Storage yard

LOCATION: 1501 10th Avenue, Council Bluffs, IA 51501

LEGAL

DESCRIPTION: Lots 9-12, Block 10, Fleming & Davis Addition and the North ½ of the vacated east/west alley adjacent.

PROPERTY OWNER: Southside Auto Supply Inc., 1712 Fair Oaks, Council Bluffs, Iowa, 51503

APPLICANT: Shelly Biggs, 57257 225th Street, Glenwood, Iowa 51534

BACKGROUND – The Community Development Department has received an application from Shelly Biggs for a conditional use permit to allow a ‘storage yard’ in an I-2/General Industrial District on property legally described above. The subject property is a corner lot that abuts 10th Avenue and South 15th Street. The property measures 120’ x 136’ and is comprised of 16,320 square feet of land area. The applicant proposes to operate a towing business (Renegade Towing) and to construct a new 2,800 square foot storage building on the subject property.

A plan of operation for the proposed towing business along with building/site plans detailing how the subject property will be developed was submitted by the applicant (see Attachments ‘A’ and ‘B’). In summary, the towing business currently employs six people and has a maximum capacity of 14 employees. The proposed business hours are Monday through Saturday from 6:00 a.m. to 2:00 a.m. The proposed 2,800 square foot building will be used for vehicle storage and will be accessed from 10th Avenue. A total of seven hard-surface (concrete cement) parking stalls are proposed for customer/employee parking and vehicle storage. A six-foot tall chain link fence is proposed to secure front parking lot/storage area. Outdoor lighting is proposed; however the height, type and location of lighting are not identified in the submitted plans. Exterior signage is also proposed; however the size and location of signage is not identified on the submitted plans. At the rear of the building the applicant proposes a wash bay for vehicles. The plan of operation also discusses using the rear area of the subject property for future vehicle parking and storage. The applicant is requesting the Zoning Board of Adjustment allow an extension of time to pave the rear parking area to City standards for financial reasons.

CURRENT ZONING AND LAND USE – The subject property is zoned I-2/General Industrial District and is surrounded by like zoning to the north, south east and west (see Attachment ‘C’). The

Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property Light Industrial. Existing land uses in the surrounding area include a mixture of legally nonconforming residential uses (north and east), undeveloped land (south and west) and a towing operation (north). Property at 1510 10th Avenue was granted a conditional use permit for a 'storage yard' and 'salvage operation' along with three variances relative to a building setback, chain-link fencing and parking lot setbacks by the Zoning Board of Adjustment in December 2014 (see Cases BA-14-011 and CU-14-005). As part of the approval for Case #BA-14-011, the Zoning Board of Adjustment granted the applicant a one-year extension of time to pave the north parking/storage area in accordance with City standards. Said extension of time will expire on November 14, 2016.

The following photographs show the existing conditions of the subject property as well as the surrounding area along 10th Avenue:



Exhibit A: Existing condition of subject property

Exhibit B: 2013 Aerial image of the subject property and surrounding area along 10th Avenues and South 15th and South 16th Streets.



CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

1. Council Bluffs Public Works has no issues with the proposed conditional use and stated that all improvements required in the abutting right-of-way for the use shall be completed at the time of construction to City standards and specifications.
2. Council Bluffs Community Development Department:
 - a. The subject property is zoned I-2/General Industrial and is surrounded by like zoning. The property's dimensions are 120' x 136' (16,320 square feet) which exceeds the minimum requirements for property zoned I-2/General Industrial District, as per Section 15.21, *I-2/General Industrial District* of the Council Bluffs Zoning Ordinance. The preliminary site plan shows the proposed 2,800 square foot storage building will be built to comply with minimum I-2 District setbacks, lot coverage and height standards. The proposed 'storage yard' is an appropriate land uses for property zoned I-2.
 - b. The minimum number of off-street parking spaces for the proposed 2,800 square foot storage building is based on a calculation of 1 parking space per 5,000 square feet of indoor storage area, as stated in Section 15.23.060 (07- Schedule A) of the Council Bluffs Zoning Ordinance. The preliminary site plan shows a total of seven off-street parking spaces which exceeds the number required for the 2,800 square foot building. All parking areas are proposed to be constructed with five inch thick concrete cement which complies with the design standards stated in Section 15.23.030, *Design Standards – Off-Street Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
 - c. The proposed storage building features two 10' x 12' garage doors on the front and one 10' x 12' roll-up door on the rear. The applicant has stated the rear garage door is for a wash bay only and does not want provide a hard-surface driveway from their parking lot to this door for vehicle access at this time. The Community Development has informed the applicant that a paved driveway is required for this door since it can be used for vehicular access. The applicant has also indicated that company equipment (e.g., tow trucks) and towed vehicles will be parked in the rear of the property at a future date. For the time being, the applicant would like to apply a gravel surface material to the rear parking area and has requested the Zoning Board of Adjustment allow an extension of time to pave said parking area for financial reasons.

Section 15.23.030(02)(b), Off-Parking, Loading and Unloading, Design Standards, of the Municipal Code (Zoning Ordinance) states "*Off-street parking lot and areas, sales lots, loading and unloading areas, storage uses and non-one and two family uses shall observe the following design guidelines:*

Pavement Requirements

6 inches of Portland cement concrete or 6 inches of rock base with 6 inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.

The Community Development Department recommends the applicant provide a hard-surface driveway from the front parking lot to the rear garage door at the time of building construction. Additionally, the Community Development Department recommends the required hard-surface pavement for the rear parking/storage area shall be provided at the time said area is used for storing/parking vehicles.

- d. The Community Development Department has identified three legally nonconforming residential uses that are located within the general vicinity of the request. None of these residential uses directly abut the subject property. The applicant has proposed to install a six-foot tall chain link fence around the front of the property for site security. The Community Development Department recommends a minimum six-foot tall fence with 100% opaque, dark colored vinyl slats be provided to screen all 'storage yard' areas from public view prior to final occupancy of the storage building.
 - e. All proposed exterior signage shall comply with Section 15.33, Signs of the Council Bluffs Zoning Ordinance.
3. Council Bluffs Building Division stated they have no comments regarding the proposed conditional use and that the proposed 2,800 square foot storage building must comply with all applicable codes and regulations.
 4. Council Bluffs Public Health stated the applicant must obtain a storage yard license from their office prior to occupancy of the proposed storage building. All vehicle storage areas shall be hard-surfaced to comply with City zoning standards.
 5. Council Bluffs Water Works stated the subject property has access to public water and that they have no comments for the proposed conditional use.
 6. MidAmerican Energy: No objections or concerns for the proposed conditional use.
 7. Cox Communications has no conflicts with the proposed conditional use.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the requests. No public comments in support or opposition of the requests have been received by the City as of the date of this report. One notification letter was returned to the City as being undeliverable.

COMMENTS – §15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property is a corner lot that measures 120' x 136' (16,320 square feet) which exceeds the minimum lot size required for property zoned I-2/General Industrial District. The size of the property is adequate for the operation of the proposed 'storage yard' use.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. The subject property has access to public utilities within 10th Avenue. *No utility service extensions and/or infrastructure upgrades are necessary for a 'storage yard' to operate at this location. Any future cost to extend, modify or otherwise relocate any public utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *The subject property has access to 10th Avenue which is a paved public road. The property is also adjacent to South 15th Street right-of-way which is unimproved public roadway. A preliminary site layout plan shows one two-way ingress/egress access driveway onto 10th Avenue. Final driveway designs shall comply with all City standards. The proposed use is not anticipated to increase traffic congestion on 10th Avenue and/or South 15th Street.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and stormwater permits from the City prior to commencing any construction activity on the subject property. The applicant must obtain the appropriate storage yard license from the Council Bluffs Public Health Department and shall keep said license active while the property is being used as a 'storage yard'. Any new exterior signage shall comply with Chapter 15.33, Signs of the Municipal Code (Zoning Ordinance). The applicant shall also comply with all applicable federal, state and local laws and requirement for the use.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *All proposed exterior lighting shall comply with Section 15.24.050, Lighting Controls of the Council Bluffs Zoning Ordinance prior to installation.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The location and size of the subject property is suitable for the development of a 'storage yard' use. The subject property is located in an area of the City that is zoned industrial but contains a mixture of industrial and legally nonconforming residential uses. The subject property has direct access to 10th Avenue which is a paved public road. If the subject property is developed in full compliance with City development standards (e.g., off-street parking, building setbacks, outdoor lighting, screening, etc.) the proposed 'storage yard' would be considered appropriate land use at said location and would not have a negative impact on existing and/or future land uses in the surrounding area.*

7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *The subject property is located in an area of the City that is zoned industrial and is suitable for industrial development. The applicant proposes to install a six-foot tall chain link fence around the front parking area for site security. The proposed fencing shall be expanded to secure the entire property and screen all proposed and future outdoor storage area from public view. The proposed chain link fence shall be modified to include 100% opaque, dark colored vinyl slat inserts for said security and screening purposes prior to final occupancy of the storage building. All proposed and future vehicle drive aisles, parking and storage areas shall be constructed to comply with the minimum hard-surface pavement standards stated in Chapter 15.23, Off-Street Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Provided the above standards are met the proposed 'storage yard' use shall not hinder or discourage the appropriate development, use and enjoyment of nearby land, buildings and structures.*

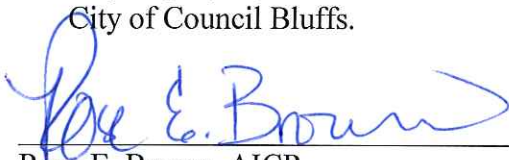
8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *As previously stated the subject property is zoned I-2/General Industrial District and is surrounded by like zoning. Existing land uses in the area surrounding the request are comprised of a mixture of legally nonconforming residential dwellings, undeveloped land and light industrial uses (e.g., towing operations). The area of the City where the use will be located is suitable and appropriate for the proposed 'storage yard. Provided all conditions of approval are in compliance and all necessary permits are received the 'storage yard' use will not adversely impact the primarily industrial area.*

RECOMMENDATION –

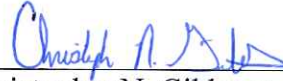
The Community Development Department recommends, based on the findings above, approval of a conditional use permit to allow 'storage yard' in an I-2/General Industrial District on property legally described as Lots 9-12, Block 10, Fleming & Davis Addition and the North ½ of the vacated east/west alley adjacent, subject to the following conditions:

1. All applicable Federal, State and Local codes and laws shall be met, including those not expressly discussed above.
2. The applicant shall maintain an active storage yard license for the subject property with the Council Bluffs Public Health Department at all times.
3. All required improvements in the public right-of-way shall be constructed to comply with City standards and completed prior to final occupancy of the building.
4. All off-street parking, driveways, loading/unloading areas and storage areas shall be hard-surfaced and designed to comply with the requirements stated in Chapter 15.23 Parking, Loading and Unloading of the Council Bluffs Zoning Ordinance. Gravel and/or asphalt grindings shall not be allowed as an approved pavement material.
5. The applicant shall provide a hard-surface driveway from the proposed front parking lot to the rear garage door prior to final occupancy of the building.
6. All structures shall comply with I-2 District development standards, as per Chapter 15.21 of the Council Bluffs Zoning Ordinance.
7. All signage shall comply with Chapter 15.33 Signs of the Council Bluffs Zoning Ordinance.
8. All exterior lighting shall comply with Section 15.24.050, Lighting Controls of the Council Bluffs Zoning Ordinance.
9. All storage yard areas shall be screened from public view by a minimum six-foot tall chain-link fence that includes 100% opaque, dark colored vinyl inserts.

10. Any future cost to extend, modify or otherwise relocate any public utilities/facilities to service the subject property shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.



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